



**CITY COUNCIL  
ATLANTA, GEORGIA**

**A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

*03-R-1334*

**AS SUBSTITUTED**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE  
CASE OF DOROTHY LEWIS v. CITY OF ATLANTA CIVIL ACTION FILE  
NO. 1999 CV 16115, IN THE SUPERIOR COURT OF FULTON COUNTY,  
GEORGIA IN THE AMOUNT OF \$565,000; AND FOR OTHER PURPOSES.**

**WHEREAS,** Dorothy Lewis was and is the owner of a certain parcel of property in  
Atlanta, Georgia bearing the address of 461 Mitchell Street; and

**WHEREAS,** prior to November 17, 1997, there were certain real property  
improvements on the property including a structure with exterior measurements of  
approximately 49 feet by 65 feet; and

**WHEREAS,** on November 17, 1997, the City demolished the structure; and

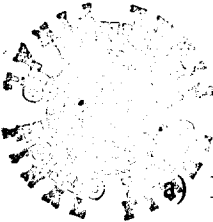
**WHEREAS,** the demolition was televised by at least one local station and reported in  
at least one newspaper and the demolition was presided over by then Mayor Bill Campbell  
along with several City officials and Community leaders; and

**WHEREAS,** it was alleged that the demolition was part of Mayor Campbell's re-  
election campaign publicity; and

**WHEREAS,** prior to the demolition, Mrs. Lewis did not receive notice that the  
demolition would take place; and

**WHEREAS,** the demolition resulted in the complete destruction of the real property  
improvements on the property; and

**WHEREAS,** on November 16, 1999, Dorothy Lewis filed Civil Action Number  
1999cv16115 wherein she alleged the following causes of action:



a) Inverse condemnation

b) Constitutional violations of taking and due process

**WHEREAS**, a jury returned a verdict in the subject case in favor of Mrs. Lewis declaring 1) the City's lien and debt for the demolition invalid, 2) damages for the demolition of the structure and lost profits, and 3) pre and post judgment interest and expenses of litigation; and

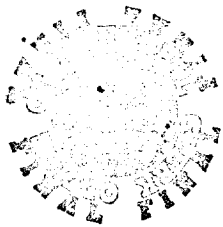
**WHEREAS**, it appears in the opinion of the City Attorney that any further appeal of the verdict will be futile; and

**WHEREAS**, on August 13, 2003, counsel for Mrs. Lewis and the City have agreed, subject to approval of this Council, to settle the case for \$565,000.00; and

**WHEREAS**, in the opinion of the City Attorney, the proposed settlement is in the best interest of the City.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA:**

**Section 1:** THAT the City Attorney is hereby authorized on behalf of the City of Atlanta to settle the case of Dorothy Lewis v. City of Atlanta, Civil Action File No. 1999CV16115, in the Superior Court of Fulton County Georgia by entering into an agreement with Mrs. Lewis and her Counsel, under the terms of which the City will: immediately withdraw its last notice of appeal filed on May 15, 2002 and the Judgment in this case will become a final judgment; and pay to Mrs. Lewis the amount of \$565,000.00.



**Section 2:** THAT the Settlement Agreement shall provide that in exchange for the payments made above, Mrs. Dorothy Lewis will release the City and its employees and officers, from any claims which were, or which could have been, raised in her complaint in the court action, whether originally, by amendment, or by supplementation, as to facts occurring up to and including the date of the execution of the Settlement Agreement, or from any claims which could have been raised by Mrs. Dorothy Lewis, her heirs or assigns.

**Section 3:** THAT the Settlement Agreement shall further provide that all parties to the action release each other from all claims which were, or which could have been, raised in his complaint in the court action, whether originally, by amendment, or by supplementation, as to facts occurring up to and including the date of the execution of the Settlement Agreement, and from any and all claims which could have been raised prior to the execution of the Settlement Agreement or subsequent to the execution of the Settlement Agreement by any of parties against any other of the parties, whether on theories of contribution or indemnity or otherwise, with the exception of one defendant in default as provided below.

**Section 4:** THAT the City Attorney is authorized to approve as to form and to execute the Settlement Agreement on behalf of the City of Atlanta.

**Section 5:** THAT the Chief Financial Officer is further authorized and directed on behalf of the City of Atlanta to issue a check on the voucher of the City Attorney in the



\$565,000.00 payable as the City Attorney directs in conformity with the Settlement Agreement, and to charge such sum to Account No. 1A01-529017-T31001.

Lewis Settlement Resolution 8/18/2003-Draft 1

A true copy,

*Shirley Dauphin Johnson*  
Municipal Clerk, CMC

**ADOPTED** by the Council  
**APPROVED** by the Mayor

September 2, 2003  
September 10, 2003

RCS# 4975  
9/02/03  
1:20 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18, EXCEPT;03-R-1310

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		9/02/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 03-O-1175	44. 03-R-1220	81. 03-R-1258
2. 03-O-1351	45. 03-R-1221	82. 03-R-1259
3. 03-O-1166	46. 03-R-1222	83. 03-R-1260
4. 03-O-1167	47. 03-R-1223	84. 03-R-1261
5. 03-O-1355	48. 03-R-1224	85. 03-R-1262
6. 03-O-1203	49. 03-R-1225	86. 03-R-1263
7. 03-O-1204	50. 03-R-1226	87. 03-R-1264
8. 03-O-1205	51. 03-R-1227	88. 03-R-1265
9. 03-O-0827	52. 03-R-1228	89. 03-R-1266
10. 03-O-1357	53. 03-R-1229	90. 03-R-1267
11. 03-R-1338	54. 03-R-1230	91. 03-R-1268
12. 03-R-1312	55. 03-R-1231	92. 03-R-1269
13. 03-R-1313	56. 03-R-1232	93. 03-R-1270
14. 03-R-1353	57. 03-R-1234	94. 03-R-1271
15. 03-R-1202	58. 03-R-1235	95. 03-R-1272
16. 03-R-1301	59. 03-R-1236	96. 03-R-1273
17. 03-R-1320	60. 03-R-1237	97. 03-R-1274
18. 03-R-1321	61. 03-R-1238	98. 03-R-1275
19. 03-R-1322	62. 03-R-1239	99. 03-R-1276
20. 03-R-1331	63. 03-R-1240	100. 03-R-1277
21. 03-R-1332	64. 03-R-1241	101. 03-R-1278
22. 03-R-1333	65. 03-R-1242	102. 03-R-1279
23. 03-R-1334	66. 03-R-1243	103. 03-R-1280
24. 03-R-1314	67. 03-R-1244	104. 03-R-1281
25. 03-R-1318	68. 03-R-1245	105. 03-R-1282
26. 03-R-1325	69. 03-R-1246	106. 03-R-1283
27. 03-R-1327	70. 03-R-1247	107. 03-R-1284
28. 03-R-1328	71. 03-R-1248	108. 03-R-1285
29. 03-R-1288	72. 03-R-1249	109. 03-R-1286
30. 03-R-1289	73. 03-R-1250	110. 03-R-1287
31. 03-R-1290	74. 03-R-1251	111. 03-R-1304
32. 03-R-1291	75. 03-R-1252	112. 03-R-1305
33. 03-R-1292	76. 03-R-1253	113. 03-R-1306
34. 03-R-1293	77. 03-R-1254	114. 03-R-1307
35. 03-R-1294	78. 03-R-1255	115. 03-R-1308
36. 03-R-1295	79. 03-R-1256	
37. 03-R-1296	80. 03-R-1257	
38. 03-R-1297		
39. 03-R-1298		
40. 03-R-1299		
41. 03-R-1300		
42. 03-R-1302		
43. 03-R-1303		

03-8-1334

(Do Not Write Above This Line)

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OTHER PURPOSES.

APPROVED BY:

JERRY DELOACH

DEPUTY CITY ATTORNEY

SEP 02 2003

COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

SEP 02 2003

ATLANTA CITY COUNCIL PRESIDENT

Catherine M. Worland

CERTIFIED

SEP 02 2003

Paula Dugan Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

SEP 10 2003

SEP 10 2003